

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA *ex rel.*  
VINCENT FORCIER,

Plaintiff,

- against -

COMPUTER SCIENCES CORPORATION  
and THE CITY OF NEW YORK,

Defendants.

**12 CIV. 1750 (DAB)**

**MEMORANDUM OF LAW IN SUPPORT OF  
UNOPPOSED MOTION TO SUBSTITUTE RELATOR AND AMEND CAPTION**

Oma O. Nichols, in her capacity as the Personal Representative of the Estate of Vincent Forcier (“Mr. Forcier”), submits this Memorandum of Law in support of her unopposed motion, made pursuant to Federal Rule Civil Procedure 25(a)(1), to be substituted as the Relator in this *qui tam* action in place of Mr. Forcier, her deceased son, and for a conforming change in the caption of the action. Counsel for all Parties have informed the undersigned counsel that they do not oppose this motion.

On March 9, 2012, counsel for Mr. Forcier commenced this lawsuit by filing a Complaint against Defendants Computer Sciences Corporation, The City of New York, and others under the *qui tam* provisions of the False Claims Act, 31 U.S.C. §§3729-3733, as well as the *qui tam* provisions of the New York False Claims Act, NY Finance Law, Art. 13, §187 *et seq.* As required by 31 U.S.C. §3730(b), Mr. Forcier’s counsel filed the lawsuit under seal. Plaintiffs the United States and the State of New York intervened in the lawsuit in September 2014. The United States

and New York both filed complaints-in-intervention, and then amended complaints-in-intervention, and this case is now in the discovery phase.

Mr. Forcier passed away on or about April 12, 2019, and on April 24, 2019, the undersigned counsel filed a Notice of Death of Mr. Forcier. (Dkt. 156.) In response to an unopposed request by Mr. Forcier's counsel under Fed.R.Civ.P. 6(e), this Court granted an extension of time until September 23, 2019, for the filing of a motion to substitute a personal representative of Mr. Forcier's estate in place of Mr. Forcier as the Relator in this lawsuit.

On September 11, 2019, the Probate Division of the Circuit Court of Clay County, Missouri, issued Letters of Administration designating Oma O. Nichols, Mr. Forcier's mother, as the Personal Representative of the Estate of Vincent Forcier ("Personal Representative"). *See* the accompanying Declaration of Shelley R. Slade, attaching as Ex. A, the Letters of Administration. In her capacity as Personal Representative, Ms. Nichols has retained the undersigned lawyers -- the same lawyers who had been representing Mr. Forcier prior to his death -- to represent her in this matter. On behalf of the Personal Representative, the undersigned lawyers have timely filed the accompanying Motion to Substitute Relator.

In *United States ex rel. Colucci v. Beth Israel Med. Ctr.*, 603 F.Supp.2d 677 (S.D.N.Y. 2009), this Court held that, upon the death of a Relator in a *qui tam* lawsuit, it is appropriate for the Personal Representative to be substituted in place of the original Relator. In its well-reasoned opinion, this Court pointed out that its holding was consistent with numerous prior court decisions. *Id.* at 681-82, *citing United States ex rel. Wright v. Chevron USA*, No. 5:03 Civ. 264 (E.D.Tex. Dec. 30, 2008); *United States ex rel. Lemmon v. Envirocare of Utah*, No. 2:02 Civ. 904(BSJ), 2008 U.S. Dist. LEXIS 29619, 6-26 (D. Utah April 9, 2008); *United States ex rel. Botnick v. Cathedral Healthcare Sys., Inc.*, 352 F.Supp.2d 530, 532 (D.N.J.2005). *See also United States ex rel. Semtner*

*v. Medical Consultants, Inc.*, 170 F.R.D. 490, 496 (W.D.Okla.1997); *United States ex rel. Neher v. NEC Corp.*, 11 F.3d 136, 137 (11th Cir.1994).

WHEREFORE, for all the reasons set forth herein, as well as any others that may appear just to the Court, Oma O. Nichols, in her capacity as the Personal Representative of the Estate of Vincent Forcier, respectfully requests that this motion be granted, and that she be substituted as the Relator in this lawsuit, in her capacity as the Personal Representative of the Estate of Vincent Forcier, and that the caption of the action be changed accordingly to: *United States of America ex rel. Oma Nichols, as Personal Representative of the Estate of Vince Forcier, et al. v. Computer Sciences Corporation and the City of New York.*.

A proposed order is attached for the Court's consideration.

Respectfully Submitted,

/S/ Shelley R. Slade  
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